



# Federal Register

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**Monday,  
December 3, 2001**

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**Part LXII**

## **Surface Transportation Board**

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**Semiannual Regulatory Agenda**

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 11)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

**SUMMARY:** The Surface Transportation Board (Board or STB), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

**FOR FURTHER INFORMATION CONTACT:** A contact person is identified for each of the rules listed below.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also

contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its October 2001 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

**Decided:** September 7, 2001.  
By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.  
**Vernon A. Williams,**  
*Secretary.*

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4673	Safe Implementation of Board-Approved Transactions, STB Ex Parte No. 574 .....	2140-AA50
4674	Modification of the Carload Waybill Sample Reporting Procedures, STB Ex Parte No. 385 (Sub-No. 5) .....	2140-AA57
4675	Consolidated Railroad Reporting, STB Ex Parte No. 634 .....	2140-AA58

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4676	Major Rail Consolidation Procedures, STB Ex Parte No. 582 (Sub-No. 1) .....	2140-AA56

Surface Transportation Board (STB)

Long-Term Actions

4673. SAFE IMPLEMENTATION OF BOARD-APPROVED TRANSACTIONS, STB EX PARTE NO. 574

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 553; 5 USC 559; 49 USC 721; 49 USC 10901; 49

USC 10902; 49 USC 11323; 49 USC 11324; 49 USC 11325; 42 USC 4332

**CFR Citation:** 49 CFR 244; 49 CFR 1106

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board and the Federal Railroad Administration (FRA) have proposed complementary regulations establishing procedures for the development and implementation of safety integration

## STB

## Long-Term Actions

plans (SIPs) by railroads proposing to engage in certain merger, consolidation, or acquisition of control transactions with another railroad. Under the proposed rules, railroads seeking to consummate a Board-covered transaction would be required to file a written document with the FRA and the Board explaining how each step in implementing a contemplated transaction would be performed safely.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/04/97	62 FR 64193
ANPRM Comment Period End	02/19/98	
NPRM	12/31/98	63 FR 72225
NPRM Comment Period End	03/01/99	
Internal Review of Comments	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2140-AA50

#### 4674. MODIFICATION OF THE CARLOAD WAYBILL SAMPLE REPORTING PROCEDURES, STB EX PARTE NO. 385 (SUB-NO. 5)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 49 USC 721; 49 USC 10707; 49 USC 11144; 49 USC 11145

**CFR Citation:** 49 CFR 1244

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board solicits comments on modifying the Waybill Sample reporting regulations to require all railroads to identify international rail traffic moving from or through the United States and to report such traffic in the Waybill Sample as if the traffic had terminated at the United States border. The intent of this proposal is to ensure that the Waybill Sample reflects a representative sample of all railroad traffic moving on the U.S. rail system.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/00	65 FR 54471
NPRM Comment Period End	10/12/00	
Internal Review of Comments	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2140-AA57

#### 4675. CONSOLIDATED RAILROAD REPORTING, STB EX PARTE NO. 634

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 49 USC 721(b); 49 USC 10704(a)(3)

**CFR Citation:** 49 CFR 1201; 49 CFR 1241 to 1248

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board proposes, consistent with Financial Accounting Standards Board Statement No. 94, to require consolidated reporting by commonly controlled U.S. railroads and their U.S. railroad-related affiliates.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/00	65 FR 57650
NPRM Comment Period End	10/25/00	
Internal Review of Comments	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2140-AA58

## Surface Transportation Board (STB)

## Completed Actions

#### 4676. MAJOR RAIL CONSOLIDATION PROCEDURES, STB EX PARTE NO. 582 (SUB-NO. 1)

**Priority:** Other Significant

**Legal Authority:** 49 USC 721; 49 USC 11323 to 11325

**CFR Citation:** 49 CFR 1180

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board adopted final regulations governing proposals for major railroad consolidations. These new rules

increase the amount of information that the consolidating carriers must provide to the public to permit interested persons to participate in the process. The new rules also require the consolidating carriers to demonstrate that a proposed transaction would be in the public interest, by requiring them, among other things, to demonstrate that the transaction would enhance competition where necessary to offset negative effects of the merger, such as competitive harm or service disruption.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/31/00	65 FR 18021
ANPRM Comment Period End	06/05/00	
NPRM	10/03/00	65 FR 58974
NPRM Comment Period End	01/11/01	
Final Rule	06/15/01	66 FR 32582
Final Rule Effective	07/11/01	

**Regulatory Flexibility Analysis**

**Required:** No

Small Entities Affected: No

Government Levels Affected: None

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**RIN:** 2140-AA56  
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